IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5618 OF 2005

State of Maharashtra ...Applicant

vs.

Ravindra Dashrath Ghade ...Respondent

Mr.A.S.Shitole, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : DECEMBER 13,2006.

P.C.:

1. Heard learned A.P.P. for State. The acquittal of the Respondent is for offence punishable under sections 279, 337, 427 of the Indian Penal Code. The learned Trial Judge has disbelieved the evidence of P.W.Nos.1,2,3 and 7. The learned Trial Judge has noted that the Investigating Officer did not record the statements of the persons who were actually travelling by the trax vehicle which met with an accident. The Investigating Officer in his cross examination stated that he did make enquiry with two persons who were travelling in the trax vehicle but he did not record their statements as the said two persons were siding with the accused.

2. The purpose of investigation is to see that the truth come before the court. As the Investigating Officer did not record the statements of the two eye witnesses only on the ground they were not supporting the complainant, the learned Trial Judge observed that the investigating Officer was

over-enthusiastic and he was out to support the complainant. Considering these aspects of the matter, the learned Judge found that the testimonies of P.W.Nos.1,2,3 and 7 were the testimonies of the persons who were highly interested. The learned Judge, in my view, rightly came to the conclusion that a serious doubt is created about the prosecution case. No case is made out for grant of leave. Application is rejected.

JUDGE